



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
FILLMORE FIELD OFFICE

35 East 500 North
Fillmore, Utah 84631



In Reply Refer to:

3800
(U-010)
UTU-072860-01

October 29, 2004

CERTIFIED MAIL #7004 0750 0000 8259 6289
RETURN RECEIPT REQUESTED

DECISION

GARY BURNINGHAM
MEMBER
B.E.G.
95 N 200 E
AMERICAN FORK UT 84003

Notice: UTU-072860
Project Name: Travertine #1
Mine

Request for Termination of Period of Liability under Financial Guarantee Denied in Part

Dear Mr. Burningham:

On August 12, 2004 the Fillmore Field Office received a faxed request to release the financial guarantee for Travertine #1 Mine located in Section 14, T. 14 S., R. 3 W. An inspection of the mine site was conducted on September 8, 2004. This inspection revealed that the required reclamation at the site is incomplete.

The approved plan of operations required the road depicted on the enclosed map to be reclaimed. This was addressed in stipulation number 20 of the original approval. In addition, the reclaimed areas have not established any of the species from the required seed mixture provided in stipulation number 18 of the original plan of operations approval. Finally, the area reseeded was not fenced in accordance with stipulation number 19. (The original mitigating measures that were sent to B.E.G. on June 18, 1998 are attached.)

Based on the need to maintain a financial guarantee that is sufficient to complete the above tasks, a reclamation cost estimate of \$14,485.25 was calculated by my staff. This estimate has been rounded up to \$14,500. The bond amount you currently have on file with Utah Division of Oil, Gas and Mining (UDOGM) is \$15,100. Therefore, UDOGM will be advised that \$600 may be released at this

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time. The remainder of the existing financial guarantee must be maintained in order to meet your federal financial guarantee obligation.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State

Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Fillmore Field Office, 35 East 500 North Fillmore, Utah 84631) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,

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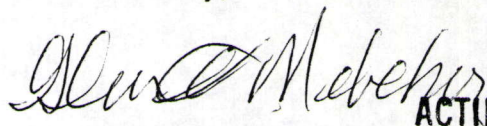
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3. The likelihood of immediate and irreparable harm if the stay is not granted, and

4. Whether the public interest favors granting the stay.

If you have any questions regarding this matter, please contact Jerry Mansfield at (435) 743-3125.

Sincerely,


ACTING

Sherry K. Hirst
Field Office Manager

Enclosures:

Map of Access Road Requiring Reclamation
Mitigating Measures from Plan of Operations Approval
Form 1842-1

cc: Tom Munson, UDOGM (M/023/042)
Bob Steele, 1055 N 400 E., Nephi, UT 84648
Terry Steele, PO Box 353, Santaquin, UT 84655